

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U UMW WORKSHEET

Document Signature _____

1. File Number: 12495	2. Status Change Date: 8/26/2016	3. Change Num: C1	4. Field Office: 01	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 16-JUN-2016
8a. Applicant(s) New to system <input type="checkbox"/> CITY OF LYNDON CITY HALL 230 TOPEKA AVE LYNDON KS 66451		8c. Landowner(s) New to system <input type="checkbox"/> CITY OF LYNDON CITY HALL 230 TOPEKA AVE LYNDON KS 66451		
8b. Landowner(s) New to system <input checked="" type="checkbox"/> LARRY BOSS 24032 S VALENCIA RD OSAGE CITY KS 66523		8d. Landowner(s) New to system <input type="checkbox"/> LARRY BOSS 24032 S VALENCIA RD OSAGE CITY KS 66523		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: MUN To: REC				
Date Prepared: 08/22/16 By: RAK Date Entered: 8/29/2016 By: UM				

[illegible]

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files
FROM: Richelle A. Krueger

DATE: August 24, 2016

RE: Water Right
File No. 12,495

Chris Cole, Mayor, on behalf of the City of Lyndon, owner of the above referenced water right, has filed an application for approval to change the place of use and use made of water from municipal use to recreational use for File No. 12,495. A Voluntary Waiver of Hearing and Dismissal of Water Right form has also been submitted for Water Right, File No. 35,853.

The referenced file number does not appear abandoned as per K.S.A. 82a-718.

File No. 12,495 is authorized surface water for municipal use for the City of Lyndon, Kansas and immediate vicinity. File No. 12,495 overlaps with Water Right, File No. 35,853 in its authorized point of diversion, which consists of a reservoir identified as Lyndon City Reservoir, with a dam (Structures Permit No. DOS-0083) located 3,300 feet North and 2,025 feet West of the Southeast corner of Section 7, Township 17 South, Range 16 East, Osage County, Kansas. The place of use overlaps Vested Right, File No. OS 003; and Water Right, File Nos. 9,872 and 35,853. File No. 12,495 is authorized 530 acre-feet of storage and 48.877650 million gallons (150 acre-feet) of direct use per calendar year to be released at a diversion rate of 105 gallons per minute, further limited to 48.877650 million gallons (150 acre-feet) per calendar year for direct municipal use when combined with File Nos. OS 003 and 9,872.

The City purchases water from PWWSD No 12 so they have sold the reservoir to Larry Boss. The City proposes to change the use made of water and place of use for File No. 12,495 from municipal use to recreational use at a reservoir located in Section 7, Township 17 South, Range 16 East, Osage County, Kansas. The applicant has requested a reduction in rate on File No. 12,495 to natural flows and a reduction in quantity to 177.75 AF which will cover three years of evaporative loss for the reservoir calculated as follows:

$79 \text{ surface acres} \times 9'' \text{ net evaporation} / 12 = 59.25 \text{ AF for one year} \times 3 \text{ years} = 177.75 \text{ AF.}$

The additional quantity limitation on File No. 12,495 will be removed and the location of the dam will be better described with g.p.s. feet distances (3,177'N, 2,258'W) obtained during an August 20, 2014 compliance investigation by Topeka Field Office staff.

Nearby landowners within one-half mile upstream and downstream from the property lines of the land owned or controlled by the applicant were notified by letters dated August 18, 2016 of the proposed change in place of use and use made of water in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

The Kansas Water Office was notified of the proposed change on August 18, 2016; no responses have been received as of today's date.

In an e-mail dated August 22, 2016 Katherine Tietzort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the application.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and no change in the local source of supply will occur, it is recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 29, 2016

LARRY BOSS
24032 S VALENCIA RD
OSAGE CITY KS 66523

FILE COPY

RE: Water Right, File No. 12,495

Dear Mr. Boss:

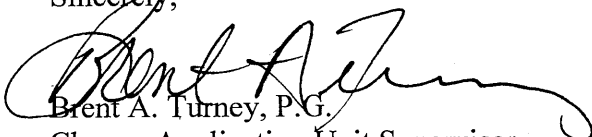
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office
City of Lyndon, Attn Mayor Chris Cole
Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, Lyndon City Attorney

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
USE MADE OF WATER AND
ORDER REDUCING
THE AUTHORIZED QUANTITY AND DIVERSION RATE
REMOVING THE ADDITIONAL QUANTITY LIMITATION
AND BETTER DESCRIBING THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 12,495**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Cole, Mayor, on behalf of the City of Lyndon, Kansas, City Hall, 230 Topeka Avenue, Lyndon, Kansas, 66451, received in this office on June 16, 2016, for approval of a change in the location of the place of use and the use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 177.75 acre-feet of storage per calendar year and to a diversion rate not to exceed natural flows in accordance with the Application for Approval to Change the Place of Use and Use Made of Water, File No. 12,495 received on June 16, 2016.

This order removes the additional limitation on the authorized quantity as set forth by the Certificate of Appropriation pursuant to File No. 12,495, issued November 17, 1986.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Recreational Use,

and the authorized location of the place of use shall be:

a reservoir located in Section 7, Township 17 South, Range 16 East, Osage County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use and use made of water, and a more precise description of the authorized location of the point of diversion shall be:

one (1) point located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 3,177 feet North and 2,258 feet West of the Southeast corner of said section, in Township 17 South, Range 16 East, Osage County, Kansas.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 12,495, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 17, 1986.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 26 day of August, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

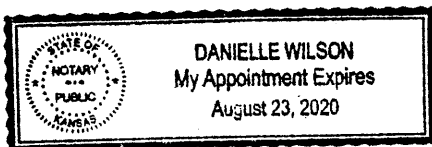
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26 day of August, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 29 day of August, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 12,495, dated 26 August was mailed postage prepaid, first class, US mail to the following:

LARRY BOSS
24032 SOUTH VALENCIA ROAD
OSAGE CITY KS 66523

With photocopies to:

CITY OF LYNDON
CITY HALL ATTN MAYOR CHRIS COLE
230 TOPEKA AVE
LYNDON KS 66451

BURNS BURNS WALSH & WALSH PA
ATTN PATRICK G WALSH LYNDON CITY ATTORNEY
PO BOX 487 - 704 TOPEKA AVE
LYNDON KS 66451-0487

Topeka Field Office


Division of Water Resources

CITY OF LYNDON, KANSAS

730 Topeka Avenue • P.O. Box 287 • Lyndon, KS 66451-0287

Office Phone: (785) 828-3146 • FAX: (785) 828-3148

Police Dept.: (785) 828-3147 • Shop: (785) 828-3728

August 16, 2016


Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, KS 66502

RE: *Water Right*
Your File No. 12495

Dear Sirs:

Enclosed please find the completed Voluntary Waiver of Hearing & Dismissal of Water Right concerning the above-referenced matter.

Sincerely,


Patrick G. Walsh,
City Attorney

PGW:pg
enclosure
cc: Julie Stutzman, City Clerk

WATER RESOURCES
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AUG 19 2016

KS DEPT OF AGRICULTURE

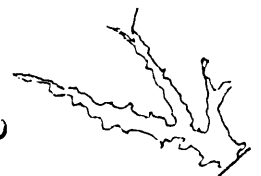


MELVERN LAKE

Gateway to the Lakes

City Council Meets 1st and 3rd Mondays - 7:30 P.M. at City Hall

SCANNED



POMONA LAKE

AUG 19 2016

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT DEPT OF AGRICULTURE

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water ☐
Water Right ☒
Vested Right ☐
Term Permit ☐
(Check Appropriate Box Above)
File No. 12495

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required): ☐

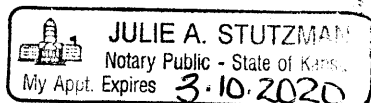
X Chris Cole
(Signature of Owner or Authorized Agent)
Chris Cole
(Please print name here)
730 Topeka Ave
(Mailing Address)
Lyndon KS 66451
(City, State, Zip)

MAYOR
(Signature of Spouse or Title of Authorized Agent)
Chris Cole
(Please print name here)
730 TOPEKA AVE
(Mailing Address)
LYNDON, KS 66451
(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas)
County of Osage)

This instrument was acknowledged before me this 15th day of August, 2016 by
(owners:) Chris Cole, Mayor on behalf of the City of Lyndon.
(Seal)



Julie A. Stutzman
Notary Public

My appointment expires:

march 10 2020

DWR Initials _____

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Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT.**



*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

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1:33

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1. Application is hereby made for approval of the Chief Engineer to change the

(Check one or more) ☒ Place of Use
☐ Point of Diversion
☒ Use Made of Water

File No. 12,495

2. Name of applicant: City of Lyndon

Address: City Hall 230 Topeka Ave

City, State and Zip: Lyndon KS 66451

Phone Number: () E-mail address:

What is your relationship to the water right; ☒ owner ☐ tenant ☐ agent ☐ other? If other, please explain.

Name of water use correspondent: same

Address:

City, State and Zip:

Phone Number: () E-mail address:

3. The change(s) proposed herein are desired for the following reasons (please be specific):

The easement agreement w/ landowner has resulted in
reversion to landowner. City no longer uses the rights
for Municipal supply.

The change(s) (was) (will be) completed by complete. (Date)

For Office Use Only:		F.O. <u>1</u> GMD <u>0</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>MUN</u> Source <u>G/S</u> County <u>OS</u> By <u>ASW</u> Date <u>6/16/16</u>	
Code <u>02</u>	Fee \$ <u>500</u>	TR #	Receipt Date <u>6/16/16</u> Check # <u>55 242</u>

Assisted by: KAT/TFO

File No. 12,495

4. The presently authorized place of use is:

Owner of Land — NAME: City of Lyndon

ADDRESS: 230 18th Ave Lyndon KS. 66451

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			<u>City of Lyndon, Kansas and immediate vicinity.</u>																

List any other water rights that cover this place of use. 35853, 05-3, 9872

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: LARRY BOSS

ADDRESS: 24032 S. Valencia Rd Osage City KS 66523

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			<u>A reservoir located in Section 7 Township 17 North, Range 16 East, Osage County, Kansas.</u>																

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY.

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JUN 16 2016

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SCANNED

File No. 12,495

6. The presently authorized point(s) of diversion (is) (are) 1 point
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 1 point
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NC Quarter of the SW Quarter of the NE Quarter
 of Section 7, Township 17 South, Range 16 (EW),
 in Osage County, Kansas, 3300 feet North 2025 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 1 GPS 3177 feet North SW SW NE 2258 feet West)
☒ This point will not be changed ☐ This point will be changed as follows: LAT: 38.588710
LONG: 95.683330
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
☐ This point will not be changed ☐ This point will be changed as follows: _____
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
☐ This point will not be changed ☐ This point will be changed as follows: _____
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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SCANNED

File No. 12495

12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to Recreational purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Currently authorized: 530 AF @ rate of Natural Flows to
provide direct use of 150 AF (48.87765 mgd) @ 105 gpm.
Evaporation = 79 AF @ Principal Spillway $\times 9''/12'' = 59.25 AF$
per year $\times 3$ years = 177.75 AF (Capacity = 948 AF)
Reduction requested below.
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 177.75 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to Natural Flow gallons per minute (NF c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within $\frac{1}{2}$ mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) $\frac{1}{2}$ mile downstream and $\frac{1}{2}$ mile upstream from your property lines must be shown.

- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No change in source of supply.
No impairment can occur due to reduction.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Meets all applicable rules & regulations.
No waivers requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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JUN 16 2016

AUG 17 2016

KS DEPT OF AGRICULTURE

SCANNED

File No. 12,495

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Lyndon, Kansas, this 6th day of June, 2016

Chris Cole Mayor of Lyndon
(Owner)

(Spouse)

Chris Cole
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

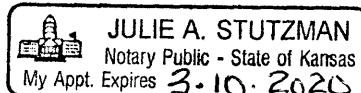
(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of Osage } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of June, 2016.

My Commission Expires 3.10.2020

Julie A. Stutzman
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- | | |
|---|-------|
| (1) Application to change a point of diversion 300 feet or less | \$100 |
| (2) Application to change a point of diversion more than 300 feet | \$200 |
| (3) Application to change the place of use | \$200 |
| (4) Application to change the use made of the water | \$300 |

Make check payable to Kansas Department of Agriculture.

\$500.

WATER RESOURCES
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AUG 17 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

JUN 16 2016

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Krueger, Richelle
Sent: Wednesday, August 24, 2016 9:12 AM
To: Schemm, Doug
Subject: RE: change in pu umw City of Lyndon

Okay, will do, thanks so much! Have a good day!

From: Schemm, Doug
Sent: Wednesday, August 24, 2016 8:22 AM
To: Krueger, Richelle
Cc: Tietzsort, Katie
Subject: FW: change in pu umw City of Lyndon

Richelle,
I sent a copy of this last week to KWO, but have received no response. I think you can go ahead with approval of the change application and we can send them a copy of the approval if they request it per the MOU.
Thanks for all your good work, as always.
Doug

From: Schemm, Doug
Sent: Thursday, August 18, 2016 3:28 PM
To: Cara.Hendricks@kwo.ks.gov
Cc: Westrup, Nathan (Nathan.Westrup@kwo.ks.gov)
Subject: FW: change in pu umw City of Lyndon

Hello Cara and Nate,
Just wanted your thoughts on this one. Interesting change app. The reservoir is reverting back to the landowner and in the process the authorized storage quantity will be reduced from 530 AF to 177.75 AF, and of course the MUN use goes away (see attached change app).
Is this something that would affect the modeling?
Thanks, Doug

Krueger, Richelle

From: Schemm, Doug
Sent: Thursday, August 18, 2016 3:13 PM
To: Krueger, Richelle
Subject: RE: change in pu umw City of Lyndon

Hey Richelle,
I'm doing good. This weekend looks awesome. Let me look this over and I'll let you know.
Thanks, Doug

From: Krueger, Richelle
Sent: Thursday, August 18, 2016 10:42 AM
To: Schemm, Doug
Subject: change in pu umw City of Lyndon

Hi Doug,

How's it going? I am doing fine, enjoying the cooler weather! Not sure if this would need to go to the KWO or to Marais Des Cygnes River Assurance District but here it is just in case it does.

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@ks.gov (please note e-mail address change)
www.ksda.gov/dwr

Krueger, Richelle

From: Tietsort, Katie
Sent: Monday, August 22, 2016 2:26 PM
To: Krueger, Richelle
Cc: Bunger, Brett
Subject: RE: 12495puumwmunitorecmem

I meant the one under 12495 of course, not the one under the overlapping file ☺

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Tietsort, Katie
Sent: Monday, August 22, 2016 2:25 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: RE: 12495puumwmunitorecmem

Richelle,

The TFO has no objections to the referenced change application, which is necessary to cover the evaporation off the large lake. The dismissal that was sent in by the City should be disregarded.

Thanks, Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Krueger, Richelle
Sent: Thursday, August 18, 2016 10:45 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: 12495puumwmunitorecmem

Hi Katie,
Attached is a draft memo for the referenced change in pu and umw for the City of Lyndon/Larry Boss. Do you recommend approval?
Thanks,
Richelle

Marian M. Burns
Clyde M. Burns
Janet C. Walsh
Patrick G. Walsh

LAW OFFICES
BURNS, BURNS, WALSH, & WALSH, P.A.
P.O. BOX 487 - 704 TOPEKA AVE.
LYNDON, KANSAS 66451-0487
PH. (785) 828-4418 • FAX (785) 828-3269
E-Mail: bbww@bbwwlaw.com

Osage City Office: P.O. Box 153
Osage City, Kansas 66523-0153
Ph. (785) 528-3186
Fax (785) 528-3523
Toll Free 1-888-528-3186

August 9, 2016

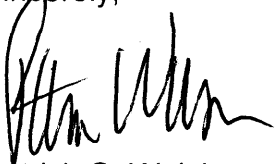
Richelle A. Krueger
State of Kansas
Department of Agriculture
900 SW Jackson St., Room 456
Topeka, KS 66612

RE: *Water Right, File No. 12,495*

Dear Ms. Krueger:

Enclosed please find the original application, map and list of mailing address of the owners. I have signed the address list and map on behalf of the City.

Sincerely,



Patrick G. Walsh,
City Attorney
P.O. Box 487
Lyndon, KS 66451
785-828-4418 FAX: 828-3269
pat@bbwwlaw.com

PGW:pg
Cc: Governing Body, City of Lyndon
enclosures

**WATER RESOURCES
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AUG 17 2016

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Pat Wilburn, Lyndon City Attorney
8-9-16

1.	Arthur H. and MB Wilburn, Jr. 821 Jackson St. Lyndon, KS 66451
2.	Richard and Janis Mickelsen 517 W. 277 th St. Lyndon, KS 66451
3.	Marvin and Shirley Hansford and Shirley Vignery 27582 S. Hwy 75 Lyndon, KS 66451
4.	Curtis and Julie Janssen 280 E. Hwy 68 Lyndon, KS 66451
5.	Daniel and Marcia Henderson 26504 Hwy 68 Lyndon, KS 66451
6.	David Kurt Kitselman PO Box 21 606 E. Hwy 68 Lyndon, KS 66451
7.	Mounkes Family Trust Ruth A. Mounkes PO Box 422 Lyndon, KS 66451
8.	John and Margaret Durino Durino Living Trust 669 Hwy 68 Lyndon, KS 66451
9.	Timothy Alexander 27125 S. Adams Rd. Lyndon, KS 66451
10.	Daniel and Joy Fischer 27101 S. Hwy 75 Lyndon, KS 66451
	WATER RESOURCES RECEIVED

AUG 17 2016

KS DEPT OF AGRICULTURE

11.	Edward and KE Christiason 26454 Hwy 68 Lyndon, KS 66451
-----	---

**WATER RESOURCES
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AUG 17 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

ARTHUR H AND MB WILBURN JR
821 JACKSON ST
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

This is to advise you that the City of Lyndon, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

The application is available for your review at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions, please contact me at (620) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

RICHARD AND JANIS MICKELSEN
517 W 277TH ST
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

MARVIN AND SHIRLEY HANSFORD AND SHIRLEY VIGNERY
27582 S HWY 75
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

This is to advise you that the City of Lyndon, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

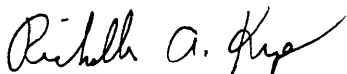
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Sincerely,


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Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

CURTIS AND JULIE JANSSEN
280 E HWY 68
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

DANIEL AND MARCIA HENDERSON
26504 HWY 68
LYNDON KS 66451

FILE COPY

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Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

DAVID KURT KITSELMAN
PO BOX 21
606 E HWY 68
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

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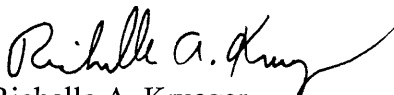
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Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

MOUNKES FAMILY TRUST
RUTH A MOUNKES
PO BOX 422
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

JOHN AND MARGARET DURINO
DURINO LIVING TRUST
669 HWY 68
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

This is to advise you that the City of Lyndon, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

TIMOTHY ALEXANDER
27125 S ADAMS RD
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

DANIEL AND JOY FISCHER
27101 S HWY 75
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

EDWARD AND KE CHRISTIASON
26454 HWY 68
LYNDON KS 66451

FILE COPY

RE: Water Right, File No. 12,495

Dear Sir or Madam:

This is to advise you that the City of Lyndon, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office

City of Lyndon, Attn Mayor Chris Cole

Burns, Burns, Walsh & Walsh, P.A., Attn Patrick G. Walsh, City Attorney

Larry Boss

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 28, 2016

CITY OF LYNDON
CITY HALL ATTN MAYOR CHRIS COLE
230 TOPEKA AVE
LYNDON KS 66451

RE: Water Right, File No. 12,495

Dear Mayor Cole,

Reference is made to the application for approval of the Chief Engineer to change the place of use and use made of water under the referenced file number which was received in the office of the Chief Engineer on June 16, 2016. Upon review of the application, we find that additional information is needed.

Please find enclosed the original application for File No. 12,495. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, please indicate on your submitted map the name and mailing address of the owner or owners of each tract of land adjacent to the stream upon which the dam is located for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the dam owner/water right owner.

I am returning the referenced application so that you may provide the requested information. **In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before August 28, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.**

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures

pc: Topeka Field Office
Larry Boss

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

CITY OF LYNDON
CITY HALL 230 TOPEKA AVE
LYNDON KS 66451

June 16, 2016

RE: File No. 12495

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- ☐ place of use UMW/PU
- ☐ point of diversion
- ☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

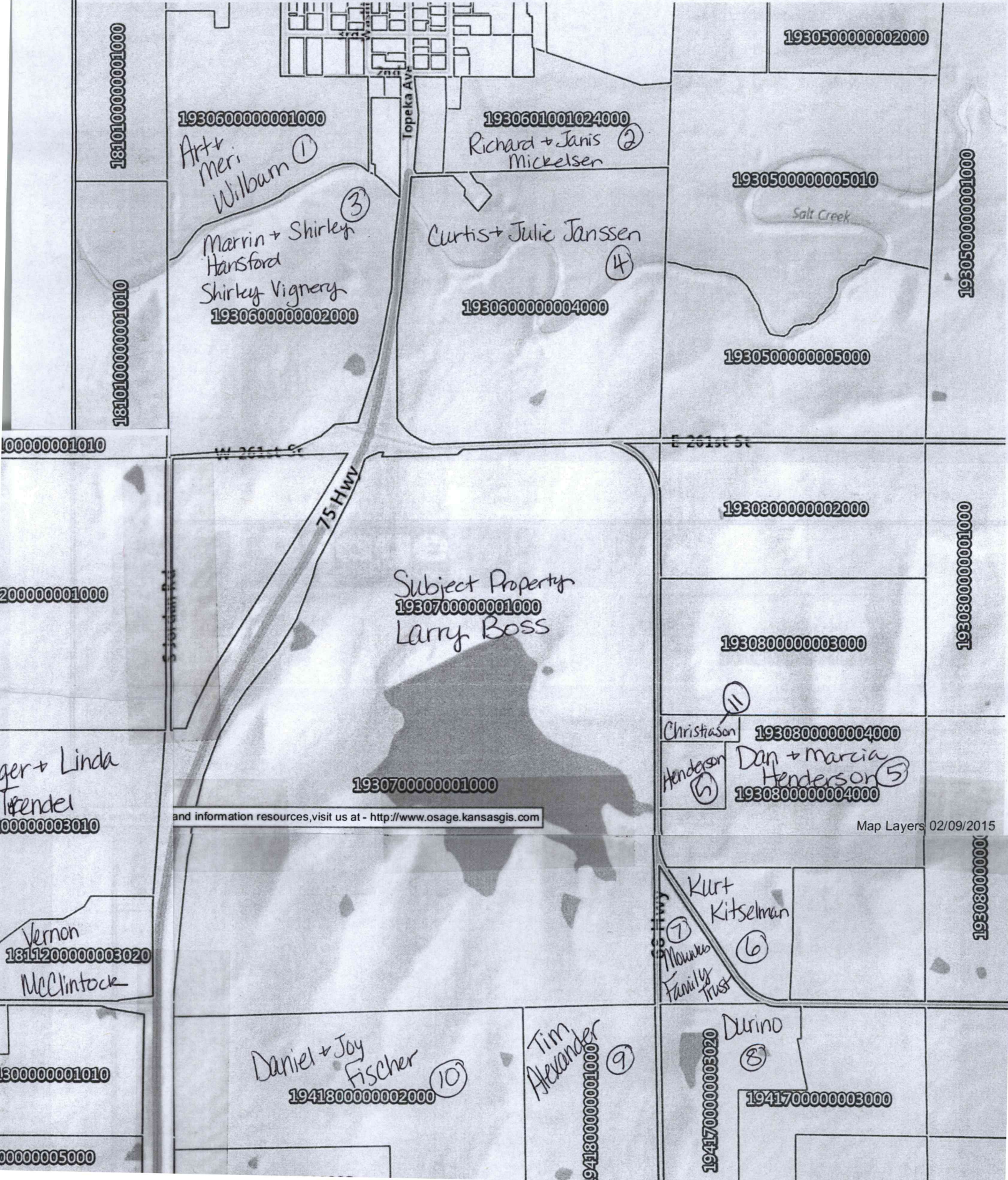
BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED



Osage

County, Kansas



18101000000001000

18101000000001010

000000001010

2000000001000

ger + Linda
Trendel
000000003010

Vernon
18112000000003020
McClintock

3000000001010

000000005000

19306000000001000

Art + Meri Wilburn ①

Marrin + Shirley
Hansford
Shirley Vignery
19306000000002000

③

1930601001024000

Richard + Janis Mickelsen ②

Curtis + Julie Janssen ④

19306000000004000

19305000000002000

19305000000005010

Salt Creek

19305000000005000

193050000000001000

19308000000002000

19308000000003000

193080000000001000

Subject Property
19307000000001000
Larry Boss

19307000000001000

and information resources, visit us at - <http://www.osage.kansasgis.com>

Christianson ⑪
Henderson ⑤
Dan + Marcia Henderson ⑤
19308000000004000

Map Layers 02/09/2015

Kurt Kitselman ⑥
Mowbray Family Trust ⑦

Daniel + Joy Fischer ⑩
19418000000002000

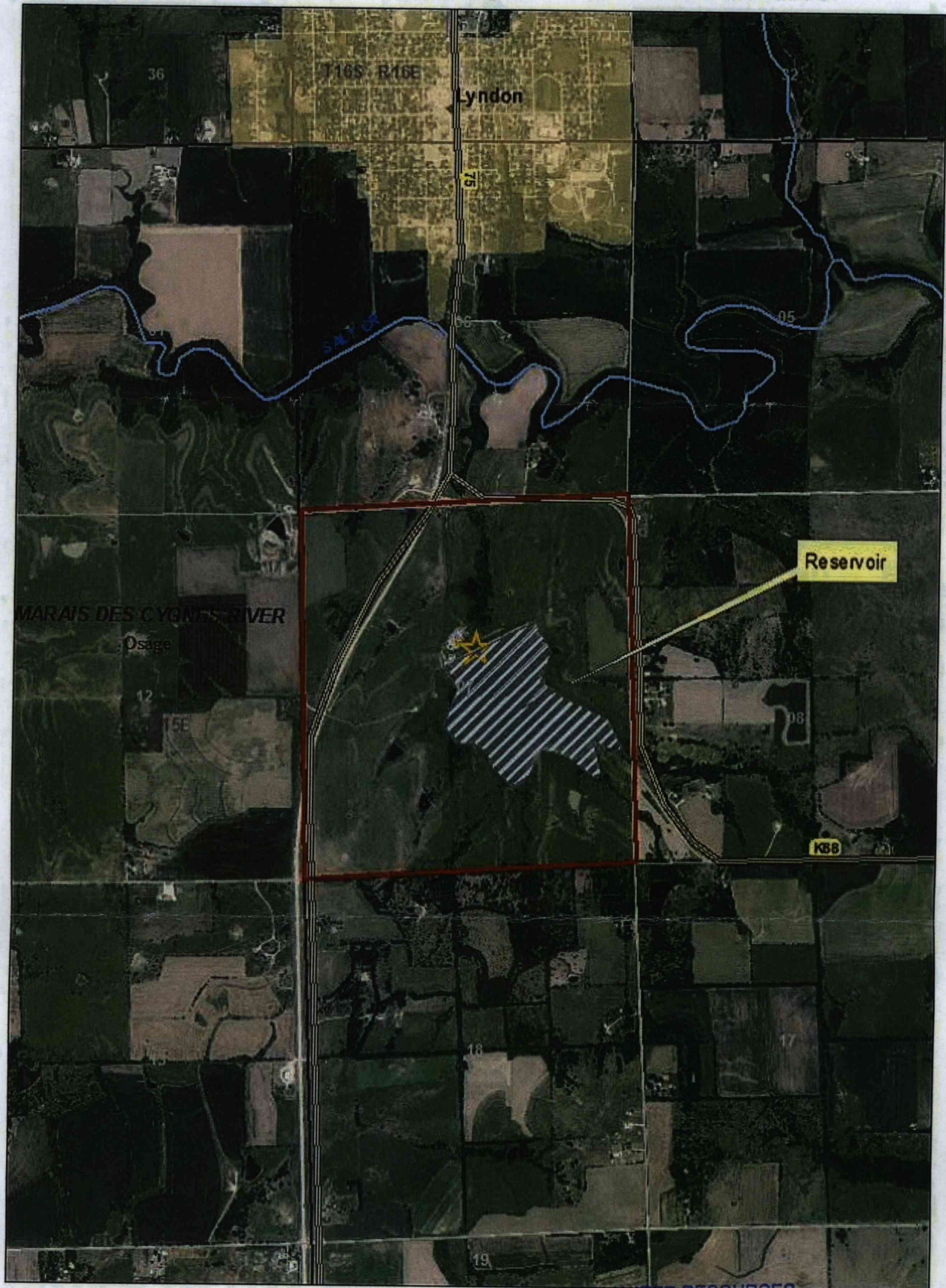
Tim Alexander ⑨
19418000000001000

Durino ⑧
19417000000003000

194170000000003020

193080000000000000

File No. 12,495 Proposed Place of Use



1:24,000

WATER RESOURCES
RECEIVED

AUG 17 2016

KS DEPT OF AGRICULTURE